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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/801,453

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Ole Simonsen

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EXAMINER

NGUYEN, TRI V

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/801,453	Applicant(s) SIMONSEN, OLE	
	Examiner TRI V. NGUYEN	Art Unit 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-17, 19, 21, 23 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) 14-16 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 17, 19, 21, 23, 27-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. Upon entry of the amendment filed on 07/10/08, Claim 1 is amended; Claims 14-16 and 26 are withdrawn; Claims 27-20 are added and Claims 10, 18, 20, 22, 24, 25 are cancelled. The currently pending claims considered below are Claims 1-9, 11-13, 17, 19, 21, 23 and 27-30. It is noted that claim 6 has the wrong identifier since claim 6 has not been amended.

In view of applicants' remarks and amendments requiring at least three components within the claimed ranges, the rejections under 103(a) based on the Markussen and Andela references are withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-9, 11-13, 17, 19, 21, 23 and 27-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner does not find literal support for the claimed language of

(a) "the amount of 0.25xMw to 0.74xMw" and "the amount of 1.26xMw" in lines 5 and 7 of claims 1, 27 and 28;

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(b) "[...] a first polyethylene glycol having a first average molecular weight, a second polyethylene glycol having a second average molecular weight, and a third polyethylene glycol having a third average molecular weight" in lines 2-5 of claim 29; and

(c) "[...] to below 0.75xMw" in line 5 and "[...] to below 1.25xMw" in line 6 of claim 30.

It seems that an indication to the newly claimed ranges or specific three types of PEG is shown in able 1 as some embodiments resemble the claimed ranges; however, there are discrepancies with the specific values.

Claims 2-9, 11-13, 17, 19, 21 and 23 are dependent claims thus inherit the same deficiencies.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-9, 11-13, 17, 19, 21, 23 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US 4940665).

Iijima et al. teach a granulation of an enzyme in which a waxy substance that has a melting point range of 40 to 100 degrees C are used as a coating (abstract; col 5, line 41 to col 6, line 19). Furthermore, Iijima et al. teach that the outer layer is composed of the coating and a binder that is each composed of combination of two or more members selected from PEG or polyoxyethylene-polyoxypropylene with PEG having a MW of 3000-10000 and polyoxyethylene-polyoxypropylene having a MW of 7000-15000 (col 6, lines 12-39 and col 7, lines 50-59). Patentees also suggest the optimization to reduce dust and enhance structural parameters to specific implementations (col 1, lines 52-63). Iijima et al do not explicitly disclose the claimed MW distributions. Nonetheless, it would have nonetheless been obvious to the skilled artisan to achieve the synthesis methodology, as the reference teaches each of the claimed ingredients of

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a granular enzyme coated with a wax for the same utility and such modifications are recognized as being well within the purview of the skilled artisan to yield predictable results. In particular, it would have been obvious to one of ordinary skill, to optimize the claimed weight ratio of the wax coating because optimizing the ratio of the ingredients in the wax to result in a coating having the desired melting points and structural parameters involves only routine skill in the art and Iijima et al. teach one of ordinary skill to optimize the ratio and ingredients of the coating agents.

Response to Arguments

6. Applicant's arguments with respect to claims 1-9, 11-13, 17, 19, 21, 23 and 27-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./
Examiner, Art Unit 1796
November 3, 2008

/Lorna M Douyon/
Primary Examiner, Art Unit 1796